

**Annual List of Rule-Making Activity**  
**Rules Adopted January 1, 2014 to December 31, 2014**  
*Prepared by the Secretary of State, pursuant to 5 MRSA, §8053, sub-§5*

**Agency name:** Office of the Secretary of State  
**Umbrella-Unit:** **29-250**  
**Statutory authority:** *Maine Digital Signature Act*, 10 MRSA §9503  
**Chapter number/title:** **Ch. 950**, Rules Governing the Use of Digital Signatures  
**Filing number:** **2014-152**  
**Effective date:** 7/31/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

To implement and make explicit the process for Digital Signatures pursuant to the *Maine Digital Signature Act of 1999*.

**Basis statement:**

This rule establish the criteria for implementing Digital Signatures in transactions involving a State Agency and the process by which digital product are approved for use. This rule meets the statutory requirements set forth in MRS, Title 10 ch. 1053, *Maine Digital Signature Act*.

**Fiscal impact of rule:**

None

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**Agency name:** Secretary of State, **Bureau of Motor Vehicles (BMV)**  
**Umbrella-Unit:** **29-250**  
**Statutory authority:** 29-A MRSA ch. 9  
**Chapter number/title:** **Ch. 103**, Rules for Vehicle Dealers, Auctions, Transporters, Recyclers, Mobile Crushers and Loaners  
**Filing number:** **2014-052**  
**Effective date:** 3/31/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The rule is being amended to remove obsolete language regarding geographic limits on dealer secondary locations; and to update dealer training requirements.

**Basis statement:**

This rule establishes the requirements for licensing and for receipt of registration plates for vehicle dealers, persons in the business of conducting vehicle auctions, vehicle recyclers, mobile crushers, and holders of loaner and transporter plates. The rule sets forth required facilities, equipment, records and hours and describe required application procedures. The rule also establishes requirements for annexes and for secondary locations.

**Fiscal impact of rule:**

None

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**Agency name:** Secretary of State, **Bureau of Motor Vehicles (BMV)**  
**Umbrella-Unit:** **29-250**  
**Statutory authority:** 29-A MRSA §204  
**Chapter number/title:** **Ch. 110**, Non-Governmental Registration Agent Requirements  
**Filing number:** **2014-053**  
**Effective date:** 3/31/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The purpose of this rule is to establish policies and procedures for the regulation of non-governmental registration agents. Registration agents are authorized to have motor vehicle inventory, and issue registrations on behalf of the Bureau of Motor Vehicles. The rule establishes training requirements, computer system requirements, reporting, and inventory control requirements. The rule also establishes procedures for audit, suspension, restoration, and hearings.

**Basis statement:**

This rule establishes the requirements for non-governmental registration agents pursuant to 29-A M.R.S. §204. The rule sets forth requirements for training, equipment and software, reporting, inventory control, audit, and suspension and hearings for registration agents. A registration agent may be authorized to collect registration, title and related taxes and fees, and to issue registration credentials and indicia. A registration agent is authorized and required to transmit registration data to the Bureau of Motor Vehicles. A registration agent may be authorized to process motor vehicle registrations, and annual and long term trailer registrations. A registration agent may be authorized to have plate and validation inventory, and to issue motor vehicle credentials.

**Fiscal impact of rule:**

None

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**Agency name:** Secretary of State, **Bureau of Motor Vehicles (BMV)**  
**Umbrella-Unit:** **29-250**  
**Statutory authority:** 29-A MRSA §504(40)  
**Chapter number/title:** **Ch. 151**, Rules Governing Enforcement of the Federal Heavy Vehicle Use Tax (HVUT)  
**Filing number:** **2014-054**  
**Effective date:** 3/31/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The Bureau proposes to update the rule relating to the enforcement of the Federal Heavy Vehicle Use Tax.

**Basis statement:**

This rule sets forth the provisions for complying with the Federal Heavy Vehicle Use Tax in the State of Maine. Every state is required to enforce the provisions of the Federal Heavy Vehicle Use Tax as a part of their commercial vehicle registration program. Failure to do so, subjects a state to potential loss of up to 25 percent of their federal highway funds.

Motor vehicles registered for a gross weight of 55,000 pounds or more are subject to Federal Heavy Vehicle Use Tax. Owners of these vehicles are required to file annual Federal Heavy Vehicle Use Tax reports with the Internal Revenue Service. Registrants are then required to submit proof of Federal Heavy Use Tax payment to their state Motor Vehicle Department as a part of the vehicle registration process.

**Fiscal impact of rule:**

None

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**Agency name:** Secretary of State, **Bureau of Motor Vehicles (BMV)**  
**Umbrella-Unit:** **29-250**  
**Statutory authority:** 29-A MRSA §512  
**Chapter number/title:** **Ch. 159**, Rules Governing the Administration of the Permanent, Semi-permanent Semi-trailer Registration Programs  
**Filing number:** **2014-145**  
**Effective date:** 7/13/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rule is being revised to reflect statutory and procedural changes.

**Basis statement:**

The purpose of this rule is to establish procedures for the administration of the Long Term Trailer Registration programs. This rule is being updated to reflect statutory and procedural changes.

**Fiscal impact of rule:**

None

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**Agency name:** Secretary of State, **Bureau of Corporations, Elections and Commissions**  
**Umbrella-Unit:** **29-250**  
**Statutory authority:** Title 21-A, M.R.S. §783  
**Chapter number/title:** **Ch. 525**, Rules for Administering the Central Issuance and Processing of UOCAVA Absentee Ballots  
**Filing number:** **2014-254**  
**Effective date:** 10/12/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rule is being amended to facilitate more timely and accurate central processing and counting of federal and state absentee ballots cast by uniformed service and overseas voters (i.e. voters who are covered under the federal *Uniformed and Overseas Citizen Absentee Voting Act*, or UOCAVA, and the federal *Military and Overseas Voter Empowerment Act*, or MOVE). Specifically, the designated personnel for UOCAVA ballot processing will be permitted to process absentee ballots (removing ballots from the absentee envelopes and depositing them into a locked ballot box on the day before election day as well as on election day, as is currently allowed). The personnel will be permitted to begin hand-counting the processed ballots at a designated time after 10 a.m. on election day; however, the results of the individual lot tallies will not be aggregated or totaled until after 8 p.m. on election day. The amendment also removes the requirement to appoint a deputy warden - replacing it with the ability to appoint one or more deputy wardens if needed - as deputy wardens are generally only needed for the busier elections. These changes will allow the UOCAVA ballot counting to be concluded much earlier on election night, and prevent the delay in obtaining the results.

**Basis statement:**

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The rule will allow UOCAVA absentee ballots to be opened and placed into the ballot box on the day before election day and to allow for tallying the ballot lots before 8 p.m. on election day but not to obtain results until after 8 p.m. on election day. For general elections with 1500 to 3500 ballots expected to be cast, it is not possible to obtain results on election night if there is not additional time provided for processing and tallying the ballots.

**Fiscal impact of rule:**

Minimal - The amendments do not impose additional duties upon the Secretary of State. The rule simply increases the time period during which UOCAVA absentee ballots can be processed and counted.

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**Agency name:** Secretary of State, **Maine State Archives**  
**Umbrella-Unit:** **29-255**  
**Statutory authority:** 5 MRSA §95-B  
**Chapter number/title:** **Ch. 10**, Rules for Disposition of Local Government Records  
**Filing number:** **2014-221**  
**Effective date:** 9/13/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

**Item 1** - This proposed rule is to amend language in Schedule E.11 under Municipal Elections Campaign Finance Reports Filed With Municipality.

**Item 2** - This proposed rule is to amend language in Schedule A.63 under Union Agreements.

**Item 3** - This proposed rule is to amend retention period for Schedule G.30 Hunting.

**Item 4** - This proposed rule is to change retention for certain exemptions in Schedule I.08 Tax Exemption Records as a result of a law change and provide more detailed explanation of Schedule I descriptions.

**Basis statement:**

**Item 1** - Currently the retention language in the description of Schedule E (E.11 Municipal Elections Campaign Finance Reports Filed With Municipality (Population 15,000 or Less) is incorrect. The retention language currently cites Title 21-A, §2502; the correct cite for this Schedule should read Title 30-A, §2502 and reference Title 21-A ch. 13 sub-ch. 4.

The description should read:

Title 30-A, §2502 explains the campaign report of monies received and expended for a municipal election campaign in a city or town with a population of 15,000 or more. Any municipality with a population of less than 15,000 may choose to be governed by Title 21-A ch. 13 sub-ch. 4.

**Item 2** - Currently Schedule A, (A.63 Union Agreements) is vague and does not include grievance/arbitration material. This proposed rule should have two parts and read as follows:

**Series A.63.a Union Records** – Union Agreements (Signed). The description should include collective bargaining agreements with unions representing employees of local government agency. Retention is 10 years, Not Confidential.

**Series A.63.b Union Records** – Grievance and Arbitration Files. The description should include related correspondence; union grievances and negotiation documentation; signature page of people attending meeting; notes on meeting; written decision; demand for arbitration; arbitration award; exhibits; briefs; notice of hearing; settlement agreement. Retention is 50 years, Not Confidential.

**Item 3** - Currently Schedule G (G.30 Hunting) has a retention period of 7 years. License and registration records are kept in MOSES now, and the need for longer retention of paper record copy is no longer needed. To keep the hunting license consistent with fishing, ATV, Boats and Snowmobile licenses, IF&W is requesting that the retention be changed to three years.

**Item 4** - Currently Schedule I (I.08 Tax Exemption Records) is vague and has a retention period of 6 years, Not Confidential. Due to a recent law change some exemptions are now considered confidential. Schedule I, Series I.08 should now read as follows:

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**Series I.08 Tax Exemption Records**

This series is defined as any record that states the name of a person or business granted an exemption; the amount of that exemption, and the reason for granting it. Tax Exemptions must be recorded in the Valuation Book in order for records described in this item to be destroyed.

**I.08.a. Maine Resident Homestead Property Tax Exemption.**

Retention is 3 years (after exemption has expired), Not Confidential  
Title 36 §§ 681-689.

**I.08.b. Denial of Homestead Exemption.** If the assessor (or state tax bureau) determines that a property is not entitled to an exemption, and further determines that a property improperly received a homestead exemption for any of the 10 years immediately preceding this determination, the assessor shall supplementally assess the property for which the exemption was improperly received, plus costs and interest. Retention is 10 years, Not Confidential Title 36 §686.

**I.08.c. Estates of Veterans.** Applications and attachments are considered confidential. Retention is 3 years (after exemption has expired), Confidential Title 36 §653.

**I.08.d. Taxpayers List.** Only attached proprietary and confidential information is confidential and exempt from the provisions of Title 1, Chapter 13. For purposes of this section, “proprietary information” means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available and information protected from disclosure by federal or state law or regulations. Retention is 3 years (after exemption has expired), Confidential Title 36 §706.

**I.08.e. Blind Exemptions.** Retention is 3 years (after exemption has expired), Not Confidential Title 36 §654.

**Fiscal impact of rule:**

None